

REMARKS

This responds to the Office Action mailed on December 17, 2008.

Claims 1, 2, and 4-39 are now pending in this application. No Amendment was made.

No new claim was added. No claim is canceled.

§103 Rejection of the Claims

Claims 1-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee et al. (U.S. Publication No. 2002/0099649; hereinafter “Lee”) in view of Cook (U.S. 6,853,987), in view of Findley (U.S. 6,108,642) and further in view of Tsiounis et al. (U.S. Publication No. 2001/0039535; hereinafter “Tsiounis”).

Claim 1 recites in part:

“receiving, by the payment facilitator via a web site interface associated with the payment facilitator, sale information pertaining to a purchase of a product from a seller, wherein the sale information includes an email address for the seller;
receiving, by the payment facilitator via the web site interface, payment information from a buyer, where the payment information includes an email address for the buyer, and wherein the payment information is received from the buyer in response to an email generated invoice sent to the email address of the buyer or sent in response to an email generated notification of a location that the buyer can acquire the email generated invoice where the location is sent to the email address of the buyer;
performing, by the payment facilitator, automated analysis of transaction information including the sale information and the payment information to detect whether the transaction information indicates fraud, and wherein the payment facilitator executes a software program to process at least some information associated with historical information, in order to determine whether fraud is present.”
(Emphasis added.)

On page 3 of the Office Action, the Examiner stated that Lee discloses the limitation “receiving payment information from a buyer”, referring to block 304 of Lee’s Figure 3. On page 5 of the Office Action, the Examiner further stated that Figure 1 and paragraph 43 of Lee also discloses payment information submitted by the Buyer. Applicants want to emphasize that Lee fails to disclose a payment facilitator receiving payment information from the buyer, or more specifically Lee fails to disclose the limitation as claimed in claim 1.

In contrast with having a payment facilitator receiving the payment information from the buyer, Lee discloses having a merchant’s fulfillment system located at the merchant’s site (as shown in Figure 1) receiving the information from the client system 116. Because this information is received by the merchant, block 304 of Figure 3 and paragraph 91 indicate that the information is collected from many different merchants from transactions conducted at these merchants’ commerce sites. Again, Applicants submit that Lee discloses the buyer information received by the merchants. Applicants want to point out that by having the buyer information received by the many merchants, as disclosed by Lee, the buyer information is not safe. On the other hand, by disclosing the buyer information to the payment facilitator and not disclosing to many different merchants, the buyer information is safer.

Thus, by disclosing that the buyer information is received by the merchants, Lee teaches away from the limitations as claimed in claim 1, where the buyer information is received by the payment facilitator (not the merchant). As such, Lee cannot be combined with any references and still teach the limitations as claimed in claim 1.

Further, claim 1 includes the limitation “where the payment information includes an email address for the buyer, and wherein the payment information is received from the buyer in response to an email generated invoice sent to the email address of the buyer or sent in response to an email generated notification of a location that the buyer can acquire the email generated invoice where the location is sent to the email address of the buyer.” Applicants submit that none of the references cited by the Examiner discloses this limitation.

Applicants submit that, at least for this reason, claim 1 and its dependent claims are patentable over Lee in view of Cook and in further view of Findley and Tsiounis.

Applicants submit that, at least for one or more of the reasons presented above with claim 1, independent claims 19 and 27 and their corresponding dependent claims are also patentable over Lee in view of Cook and in further view of Findley and Tsiounis.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (408) 278-4059 to facilitate prosecution of this application.

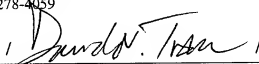
If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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By


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 17, 2009.

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